

Presentment Date: October 19, 2021

Objection Deadline: October 18, 2021 at 4:00 p.m. (AST)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to ERS and
COFINA.**

**NOTICE OF PRESENTMENT OF PROPOSED ORDER GRANTING THE THREE
HUNDRED SEVENTY-FIRST OMNIBUS OBJECTION (NON-SUBSTANTIVE) OF
THE EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO AND PUERTO RICO SALES TAX
FINANCING CORPORATION TO CROSS-DEBTOR DUPLICATE
CLAIMS (ECF NO. 17936)**

PLEASE TAKE NOTICE that, on October 11, 2021, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) and the Puerto Rico Sales Tax Financing Corporation (“COFINA,” and together with ERS, the “Debtors”), by and through the

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5532-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as sole Title III representative of the Debtors pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² hereby submit a *Notice of Presentment of Proposed Order Granting the Three Hundred Seventy-First Omnibus Objection (Non-Substantive) of the Employees Retirement System of the Government of the Commonwealth of Puerto Rico and the Puerto Rico Sales Tax Financing Corporation to Cross-Debtor Duplicate Claims* (the “Notice”).

PLEASE TAKE FURTHER NOTICE that, on August 20, 2021, the Debtors, by and through the Oversight Board, filed the *Three Hundred Seventy-First Omnibus Objection (Non-Substantive) of the Employees Retirement System of the Government of the Commonwealth of Puerto Rico and the Puerto Rico Sales Tax Financing Corporation to Cross-Debtor Duplicate Claims* [ECF No. 17936] (the “Three Hundred Seventy-First Omnibus Objection”).

PLEASE TAKE FURTHER NOTICE that, the Three Hundred Seventy-First Omnibus Objection is scheduled for hearing on October 6, 2021.

PLEASE TAKE FURTHER NOTICE that, any party against whom the Three Hundred Seventy-First Omnibus Objection was served, or any other party to the Debtors’ Title III cases who objected to the relief sought therein, was required to file and serve a response to the Three Hundred Seventy-First Omnibus Objection with the clerk’s office of the United States District Court for the District of Puerto Rico by 4:00 p.m. (Atlantic Time) on September 20, 2021 (the “Response Deadline”).

PLEASE TAKE FURTHER NOTICE that, as set forth in Exhibit C to the Three Hundred Seventy-First Omnibus Objection, if no response was filed by the Response Deadline,

² PROMESA has been codified at 48 U.S.C. §§ 2101–2241.

the Three Hundred Seventy-First Omnibus Objection “will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.” Ex. C to Three Hundred Seventy-First Omnibus Objection, ECF No. 17936-4, at 3.

PLEASE TAKE FURTHER NOTICE that, according to this Court’s *Fifteenth Amended Case Management Procedures* [ECF No. 17127-1]) (the “Case Management Procedures”), the Court may enter an order granting a request for relief without a hearing upon receipt of a certificate of no objection (“CNO”, as defined by the Case Management Procedures). *See* Case Management Procedures, Section III, paragraph P.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Case Management Procedures, the undersigned hereby certifies that this Notice is filed not less than forty-eight (48) hours after the expiration of the Response Deadline.

PLEASE TAKE FURTHER NOTICE that, the undersigned hereby certifies that counsel for the Oversight Board has reviewed, not less than forty-eight (48) hours after expiration of the Response Deadline, (i) the docket in the above-captioned case, (ii) mailings received by Prime Clerk (“Prime Clerk”), (iii) mailings received by the Oversight Board, and (iv) mailings received by counsel for the Official Committee of Unsecured Creditors of the Commonwealth of Puerto Rico (the “UCC”) (collectively, the “Responses”) and, to the best of the undersigned’s knowledge, no applicable objection, responsive pleading, or request for a hearing with respect to the Three Hundred Seventy-First Omnibus Objection has been submitted.

PLEASE TAKE FURTHER NOTICE that, attached hereto as **Exhibit A** is a proposed order (the “Proposed Order”) granting the relief requested in the Three Hundred Seventy-First Omnibus Objection.

PLEASE TAKE FURTHER NOTICE that, pursuant to Paragraph III.H of the Case Management Procedures, “the presentment of a proposed order for administrative relief must be filed and served at least seven (7) calendar days before the presentment date, and Objections thereto must be filed and served at least one (1) calendar day before the presentment date,” and accordingly, unless a written objection to the Proposed Order is filed with the Court **by 4:00 p.m. (Atlantic Time) on October 18, 2021**, the relief requested in the Three Hundred Seventy-First Omnibus Objection shall be deemed unopposed, and the Proposed Order may be entered without a further hearing.

PLEASE TAKE FURTHER NOTICE that, copies of all documents filed in these Title III cases are available (a) free of charge by visiting <https://cases.primeclerk.com/puertorico> or by calling +1 (844) 822-9231, and (b) on the Court’s website at <http://www.prd.uscourts.gov>, subject to the procedures and fees set forth therein.

[Remainder of Page Intentionally Left Blank]

Dated: October 11, 2021
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

Hermann D. Bauer

USDC No. 215205

Carla García-Benítez

USDC No. 203708

Gabriel A. Miranda

USDC No. 306704

O'NEILL & BORGES LLC

250 Muñoz Rivera Ave., Suite 800

San Juan, PR 00918-1813

Tel: (787) 764-8181

Fax: (787) 753-8944

/s/ Martin J. Bienenstock

Martin J. Bienenstock (*pro hac vice*)

Brian S. Rosen (*pro hac vice*)

PROSKAUER ROSE LLP

Eleven Times Square

New York, NY 10036

Tel: (212) 969-3000

Fax: (212) 969-2900

*Attorneys for the Financial
Oversight and Management Board for
Puerto Rico, as representative of the
Employees Retirement System for the
Government of the Commonwealth of
Puerto Rico and the Puerto Rico Sales
Tax Financing Corporation*